

Appl. No. 10/797,423
Docket No. 9181
Amdt. dated January 20, 2009
Reply to Office Action mailed on November 26, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 21-33 are pending in the present application. No additional claims fee is believed to be due.

Claim 21 has been amended to delete the term “nonwoven sheet” from the term “nonwoven sheet member” and to delete the term “sheet” from the term “sheet member.”

Rejection Under 35 USC §112, Second Paragraph

Claims 21-32 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

The Office Action states that “in claim 21, line 10, there is no antecedent basis for ‘said first and second nonwoven sheet members.’ It appears ‘nonwoven sheet’ should be deleted since it is really the entire member that is being referenced. Likewise, in line 17, it appears ‘sheet’ should be deleted such that it is the members that is being referenced.” (The Office Action, page 2).

Applicants have amended claim 21, as recommended by the Office Action. Therefore, Applicants’ respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Double Patenting

Claims 21-33 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 2 and 5-12, respectively, of U.S. Patent No. 7,401,376 in view of Rasmason (US patent 4,154,542). Applicants are submitting herewith a terminal disclaimer, rendering the rejection moot.

Common Ownership

In accordance with MPEP §706.02(I)(2)(II) and 37 CFR §1.78(c), Applicants hereby state that at the time the invention claimed in the present application was made,

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the present application and commonly assigned patent no. 7,401,376 were owned by the Procter & Gamble company.

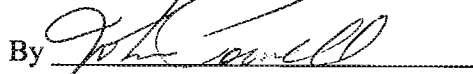
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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